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MCDERMOTT, WILL & EMERY

April 16, 2003

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation: The 4.9 GHz Band Transferred from Federal
Government Use, WT Docket No. 00-32

Dear Ms. Dortch:

Pursuant to the Commission's Rules, this is to notify you that undersigned counsel, representing Cinergy Corporation and Consumers Energy Company (hereinafter "the utilities"), was contacted by telephone today by Paul Margie, of Commissioner Copp's office, to request clarification of the utilities' previously-expressed views in the above-referenced docket. In particular, Mr. Margie requested further clarification of the utilities' position on how eligibility for licensing in the 4.9 GHz band should be defined.

Pursuant to the Commission's Rules, one copy of this notice is being filed electronically with the Commission. If there are any questions concerning this matter, please let me know.

Very truly yours,

[/s/ Jeffrey L. Sheldon](#)

Jeffrey L. Sheldon

cc: Paul Margie